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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YASUSHI KATAYAMA

Appeal 2010-003901
Application 10/501,082
Technology Center 2400

Decided:

Before JAY P. LUCAS, DEBRA K. STEPHENS, and JAMES R. HUGHES,
Administrative Patent Judges.

STEPHENS, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant's appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 9, 11, 12, 21, 23, 24, and 27. We have jurisdiction under 35 U.S.C. § 6(b) (2008). An Oral Hearing was held on September 15, 2011.

We REVERSE.

Introduction

According to Appellant, the invention is related to an information processing apparatus and method, and a computer program that allows efficient data processing execution, especially, data recording/reproducing processing, that uses a plurality of networked information processing apparatuses. The system and method are directed toward implementing an execution configuration for efficiently recording and reproducing data using distributed nodes. (Spec.1, ll. 8-16; Abstract).

STATEMENT OF THE CASE

Exemplary Claim

Claim 9 is an exemplary claim and is reproduced below:

9. An information processing apparatus comprising:
 - a data reception unit;
 - a rule decision processing unit configured to determine whether data processing based on a data processing request received via the data reception unit is to be executed; and
 - a data processing unit configured to execute data processing based on the determination of the rule decision processing unit, wherein

the rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor, and the rule deciding condition descriptor is determined based on a probability value.

Prior Art

Abe	US 2002/0069408 A1	Jun. 6, 2002
Jeyachandran	US 6,567,176 B1	May 20, 2003
Freed	US 7,073,055 B1	Jul. 4, 2006

Rejections

Claims 9, 21, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe and Jeyachandran.

Claims 11, 12, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe, Freed, and Jeyachandran.

ISSUE 1

35 U.S.C. § 103(a): claims 9, 21, and 27

Appellant asserts the invention is not obvious over Abe and Jeyachandran because Abe does not teach or suggest a rule decision processing unit as recited in claim 9 (App. Br. 6-9). Specifically, Appellant contends the decision made by the rule decision unit 22 of Abe is not based on the request 350c, the request at step S470, or the request at step S413, asserted to teach the data processing request by the Examiner (*id.*). Further, according to Appellant, a decision as to “whether or not the processing according to the processing request is to be executed” is not made by the

rule decision unit 22 and, therefore, cannot be made “based on a probability value ” (App. Br. 8).

Appellant additionally asserts that Jeyachandran teaches a check is performed to determine if a registered job can be executed based on whether performance of the job is possible, not based on a probability value (App. Br.8). Moreover, Appellant argues the Examiner has not set forth how a CM probability database 103 of Abe would modify Jeyachandran nor how the job execution determination unit 207 of Jeyachandran could modify Abe to teach the invention as recited in claim 9 (*id.*).

The Examiner finds Abe teaches a rule decision condition unit 22 for processing information related to Commercial Message “CM” (Ans. 16). The Examiner then finds that the rule decision condition unit 22 transmits/receives detailed information through transmission means, processing means, a detecting section, and an acquisition section for acquiring information corresponding to the detected information (Ans. 16). The Examiner further finds the CM candidate table 21 feeds the rule decision unit and obtains by a score decision in the supplementary condition decision unit, to output the CM based on the “information request” and it is a probability value (*id.*).

Further, the Examiner finds Jeyachandran teaches the method includes a job execution determination unit 207 that determines whether a job should be executed, or when the job is to be executed (Ans. 17). The Examiner further finds Abe teaches the rule decision unit decides whether or not to process such request based on a set of rules (i.e. based on the content of the request, and probability value) and makes decisions or presents output

decisions based on a probability value that was calculated with regard to popularity of a commercial message (Ans. 18-19). Thus, according to the Examiner the combination of Abe and Jeyachandran would have taught or suggested the invention as recited in claim 9.

Issue 1: Has Appellant shown the Examiner erred in finding the combination of Abe and Jeyachandran would have taught or suggested “the rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor” and “the rule deciding condition descriptor is determined based on a probability value” as recited in claim 9 and commensurately recited in claims 21 and 27?

ANALYSIS

We reverse. Abe teaches when a consumer finds an interesting CM, the consumer 303 may request information about the CM from the access site information furnishing device 303 (pg. 4, [0069] and Fig. 2). The access site information retrieval unit 355 acquires information on the CM and refers to information from the CM database unit to determine if the CM aired at the time and channel supplied in the request (pg. 5, [0083] and Fig. 6). A coordinating unit 353 executes coincidence retrieval between the information from the CM database unit and the information of the CM detection unit, and in case of coincidence, coordinates the CM, airing time and channel and the access site information for re-storage in the CM database unit 354 (pg. 5, [0082] and Fig. 6).

In Abe, the system is able to separate and automatically detect a CM from the aired CMs, compare and identify the detected CM with a CM registered at the outset and to coordinate the airing time and channel with the access site information (pg. 5, [0090]). The CM detecting portion of the CM detection/storage/browsing/retrieval unit 331 (Fig. 4) detects the CM from the aired signal to identify the time or duration of the CM and the CM detection unit 352 detects, separates, and extracts the commercial portion from aired signal to output information pertinent to the image, speech, airing time and airing channel (Fig. 6) (hereinafter, “CM detection section”) (pg. 5, [0081] and [0092] –[0093]). The CM detection sections detect the CM portion from e.g., the television broadcast signals (pg. 5, [0093]). A CM candidate (a portion of the signal thought to be a CM) is deterministically extracted from the signal and selected based on statistical evaluation of the possibility that the signal portion is a CM (pg. 6, [0116]).

However, the Examiner has not shown that Abe teaches or suggests this extraction of CM candidates, which is based on a probability value, is processed in accordance with the user’s request. Instead, Abe teaches or suggests that the user’s request for CM information is retrieved by referring to stored CM information that coordinates with the CM candidate information acquired (pg. 5, [0082] and Fig. 6). Therefore, although Abe teaches or suggests processing (retrieving CM information) based on specific information (airing time and channel), the Examiner has not shown, nor do we readily find, that Abe teaches or suggests determining whether data processing based on a data processing request (user’s request), is to be executed based on a rule deciding condition descriptor determined based on

a probability value (CM candidate determination). The Examiner has not shown that Abe teaches or suggests that any request is determined to be processed based on a rule deciding condition descriptor determined based on a probability value.

Nor do we find that the Examiner has shown Jeyachandran cures this deficiency. Indeed, Jeyachandran teaches a user inputs a job which is then registered in a job table and a job execution determination unit determines whether a job should be executed, or when the job is to be executed (col. 14, l. 63 to col. 15, l. 9).

Thus, the Examiner has not shown that Abe or Jeyachandran, taken alone or in combination, teaches or suggests determining whether data processing based on a data processing request is to be executed based on a rule deciding condition descriptor determined based on a probability value.

Accordingly, Appellant has shown the Examiner erred in finding the combination of Abe and Jeyachandran would have taught or suggested the invention as recited in independent claim 9 and commensurately recited independent claims 21 and 27, not separately argued. Therefore, Appellant has shown the Examiner erred in rejecting claims 9, 21, and 27 under 35 U.S.C. § 103(a) for obviousness over Abe and Jeyachandran.

ISSUE 2

35 U.S.C. § 103(a): claims 11, 12, 23, and 24

The Examiner has not shown that Freed cures the deficiencies of Abe and Jeyachandran, as set forth above with respect to claim 9. Accordingly, the Examiner has not shown Abe, Freed, and Jeyachandran, taken alone or in

proper combination, would have taught or suggested the invention as recited in claims 11, 12, 23, and 24. Therefore, Appellant has shown the Examiner erred in rejecting claims 11, 12, 23, and 24 under 35 U.S.C. § 103(a) for obviousness over Abe, Freed, and Jeyachandran.

DECISION

The Examiner's rejection of claims 9, 21, and 27 under 35 U.S.C. § 103(a) as being obvious over Abe and Jeyachandran is reversed.

The Examiner's rejection of claims 11, 12, 23, and 24 under 35 U.S.C. § 103(a) as being obvious over Abe, Freed, and Jeyachandran is reversed.

REVERSED

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